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HOUSE BILL 83

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

**RELATING TO EDUCATION; PROVIDING FOR A LICENSURE AND
COMPENSATION FRAMEWORK FOR CERTAIN INSTRUCTIONAL SUPPORT
PROVIDERS.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 22-10A-17 NMSA 1978 (being Laws 2003,
Chapter 153, Section 48, as amended) is amended to read:**

"22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES. --

**A. The department shall license instructional
support providers [~~including educational assistants, school
counselors, school social workers, school nurses, speech-
language pathologists, psychologists, physical therapists,
physical therapy assistants, occupational therapists,
occupational therapy assistants, recreational therapists,
interpreters for the deaf, diagnosticians and other service~~**

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1 ~~providers~~]. The department ~~[may]~~ shall provide a
2 ~~[professional]~~ progressive licensing framework in which
3 licensees can advance in their careers through the
4 demonstration of increased competencies and the undertaking of
5 increased duties.

6 B. ~~[The department shall provide by rule for the~~
7 ~~requirements for licensure of types of instructional support~~
8 ~~providers.]~~ If an instructional support provider practices a
9 licensed profession, he shall provide evidence satisfactory to
10 the department that he holds a current, unsuspended license in
11 the profession for which he is applying to provide
12 instructional support services. The instructional support
13 provider shall notify the school district and department
14 immediately if his professional license is suspended, revoked
15 or denied. Suspension, revocation or denial of a professional
16 license shall be just cause for discharge or termination and
17 suspension, revocation or denial of the instructional support
18 provider license.

19 C. If an instructional support provider practices a
20 licensed profession that requires a bachelor's or higher
21 degree, he shall be licensed as provided in Section 2 of this
22 2005 act. If the instructional support provider does not
23 practice a licensed profession or practices a profession or
24 occupation that does not require at least a bachelor's degree,
25 he shall be licensed as provided by specific law or by rule of

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1 the department. The department may designate licenses of
2 instructional support providers licensed by rule as numeric
3 levels or any other designation it determines as long as the
4 licensure denotes a progressive framework."

5 Section 2. A new section of the School Personnel Act is
6 enacted to read:

7 "[NEW MATERIAL] PROFESSIONAL INSTRUCTIONAL SUPPORT
8 PROVIDER LICENSING FRAMEWORK-- REQUIREMENTS AND SALARY.--

9 A. This section applies to professional
10 instructional support providers whose professional duties
11 require a bachelor's or higher degree to practice in public
12 schools.

13 B. The department shall issue professional
14 instructional support provider licenses endorsed for the
15 applicable professions to applicants who meet the requirements
16 for each level of licensure.

17 C. A level one professional instructional support
18 provider license is a provisional license for the first three
19 years of practice in a school setting that gives a beginning
20 instructional support provider the opportunity, through a
21 formal mentorship program, for additional preparation to be an
22 instructional support provider in the endorsed profession
23 listed on the license. As a condition of licensure, the
24 instructional support provider is required to undergo a formal
25 mentorship program and an annual intensive performance

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1 evaluation by a school administrator or a level three
2 professional instructional support provider endorsed for the
3 same profession as the licensee for three full school years
4 before applying for a level two license. At the end of each
5 year and at the end of the license period, the level one
6 professional instructional support provider shall be evaluated
7 for competency. If the instructional support provider has not
8 demonstrated satisfactory progress and competence by the end of
9 the three-year period, the provider shall not be granted a
10 level two license. Except in exigent circumstances defined by
11 department rule, a level one professional instructional support
12 provider license shall not be extended beyond the initial
13 three-year period and shall not be renewed. The department
14 shall issue a level one professional instructional support
15 provider license to an applicant who is at least eighteen years
16 of age and who:

17 (1) if required to do so, holds a license or
18 certification in the professional area in which the provider
19 seeks to practice in a school setting; and

20 (2) meets other qualifications for level one
21 licensure as determined by the department, including clearance
22 of the required background check.

23 D. A level two professional instructional support
24 provider license is granted to an instructional support
25 provider who is a fully qualified professional who annually

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1 demonstrates essential competencies. The department shall
2 issue a level two professional instructional support provider
3 license to an applicant who successfully completes the three-
4 year level one professional license or is granted reciprocity
5 as provided by department rule and meets other qualifications
6 as required by the department. If a level two professional
7 instructional support provider does not demonstrate essential
8 competency in a given school year, the school district shall
9 provide the provider with additional professional development
10 and peer intervention during the following school year. To
11 maintain the nine-year level two professional instructional
12 support provider license, the licensee shall:

13 (1) demonstrate essential competency required
14 by the department as verified by the local superintendent
15 through annual evaluations;

16 (2) hold a valid license or certification in
17 the licensee's profession; and

18 (3) meet all continuing education requirements
19 of the licensee's profession.

20 E. A level three professional instructional support
21 provider license is granted to an instructional support
22 provider who is a fully qualified professional who demonstrates
23 leadership competencies beyond those required for a level two
24 license. A level three license shall be granted to an
25 applicant who has been a level two professional instructional

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1 support provider for at least three years and meets other
2 qualifications as required by the department, including
3 successful demonstration of essential and leadership
4 competencies. If a level three professional instructional
5 support provider does not demonstrate essential and leadership
6 competencies in a given school year, the school district shall
7 provide the provider with additional professional development
8 and peer intervention during the following school year. To
9 maintain the nine-year level three professional instructional
10 support provider license, the licensee shall:

11 (1) demonstrate essential and leadership
12 competencies required by the department as verified by the
13 local superintendent through annual evaluations;

14 (2) hold a valid license or certification in
15 the licensee's profession;

16 (3) meet all continuing education requirements
17 of the licensee's profession; and

18 (4) hold an advanced degree or certification
19 as required by department rule.

20 F. By the 2007-2008 school year, with the adoption
21 by the department of a highly objective performance evaluation
22 for professional instructional support providers, the minimum
23 salaries for professional instructional support providers
24 licensed pursuant to this section shall be as follows:

25 (1) for level one professional instructional

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1 support providers, for the school year following adoption of
2 the performance evaluation, thirty thousand dollars (\$30,000);

3 (2) for level two professional instructional
4 support providers, for the first school year following adoption
5 of the performance evaluation, forty thousand dollars
6 (\$40,000); and

7 (3) for level three professional instructional
8 support providers, for the first school year following adoption
9 of the performance evaluation and the adoption of the minimum
10 of fifty thousand dollars (\$50,000) salary for level three
11 teachers, fifty thousand dollars (\$50,000).

12 G. The department shall consult with professional
13 licensing boards and professional organizations in the
14 development of essential and leadership competencies and the
15 performance evaluation instruments."

16 Section 3. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 2005.